

REMARKS

Claims 1-28 are currently pending in the subject application and are presently under consideration. Claims 1-3, 8, 11-17, and 20-25 have been amended and claims 27-28 have been added as shown on pp. 2-6 of the Reply. Claims 7, 8, 17, and 18 have been canceled herein without prejudice or disclaimer.

Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview on October 16, 2007, between Examiner Jennifer T. Nguyen and Applicants' representatives Himanshu S. Amin and Bradley D. Spitz, as well as during the subsequent communications between the Examiner and Applicants' representatives between October 16, 2007, and October 22, 2007. During the interview, the rejection of claims 1, 2, 4-6, 9-13, 16, 20-22, and 26 under 35 U.S.C. §102(e) was discussed. Amendments to the claims proposed by Applicants' representatives in view of the rejection under §102(e) were additionally discussed; however, an agreement was not reached at the October 16, 2007 interview regarding these amendments. Applicant's representatives submitted a subsequent set of proposed amendments to the claims to the Examiner on October 18, 2007, and an agreement was reached on October 22, 2007 that the subsequent proposed amendments were allowable over the art of record.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 2, 4-6, 9-13, 16, 20-22 and 26 Under 35 U.S.C. §102(e)

Claims 1, 2, 4-6, 9-13, 16, 20-22, and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Igarashi *et al.* (U.S. Patent No. 6,747,680). Withdrawal of this rejection is requested for at least the following reasons. The cited reference does not disclose or suggest all features recited in the subject claims as amended.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Amended independent claim 1 (and its corresponding dependent claims) recites:

An advanced navigation system for portable devices comprising: an input component that receives user input, the input component comprising a pointing device; a navigation component that facilitates navigating through content displayed on a portable device screen based in part on speed and location of the input component with respect to the content displayed on the portable device screen; a speed-sensing lens integrated into the device screen that is maneuvered over the content by the input component, the speed-sensing lens provides an enlarged or zoomed in view of content underlying the speed-sensing lens but does not substantially affect a view of other surrounding content displayed on the device screen, the enlarged or zoomed in view of the content underlying the speed-sensing lens is provided based on a level of detail and magnification that is continuously adjusted based on the speed of the input component with respect to the content displayed on the portable device screen; and a mapping component that smoothly transitions a current view of content underlying the speed-sensing lens to a new or previous view and orients the content underlying the speed-sensing lens or the view thereof based in part on data received from the navigation component. The subject amendments are supported by the specification. For example, the specification discloses that a speed-sensing lens can be used to view portions of displayed content and that a magnification level used by the lens can depend on the speed at which the lens is moved across the content. (See p. 25, ll. 10-14).

Igarashi *et al.* relates to techniques for navigating (e.g., scrolling) through displayed content, wherein the scale of the displayed content is adjusted based on the speed through which the content is navigated. (See abstract; col. 5, l. 61 – col. 6, l. 11). However, amended independent claim 1 recites *a speed-sensing lens integrated into the device screen that is maneuvered over the content by the input component, the speed-sensing lens provides an enlarged or zoomed in view of content underlying the speed-sensing lens but does not substantially affect a view of other surrounding content displayed on the device screen, the enlarged or zoomed in view of the content underlying the speed-sensing lens is provided based on a level of detail and magnification that is continuously adjusted based on the speed of the input component with respect to the content displayed on the portable device screen.* Igarashi *et al.* is

silent regarding such features. More particularly, and per the agreement reached between the Examiner and Applicants' representatives on October 22, 2007, Igarashi *et al.* does not teach or suggest a speed-sensing lens that is capable of making adjustments to content underlying the lens based on the speed of a pointing device corresponding to the speed-sensing lens with respect to the content. In contrast, the magnification changes disclosed in Igarashi *et al.* affect all content displayed at an associated display device.

Likewise, independent claims 11 and 20 have been amended in a similar manner to independent claim 1. Thus, Igarashi *et al.* does not disclose or suggest all features of said claims for the reasons stated above. In view of the foregoing, Applicant's representative respectfully requests that this rejection be withdrawn.

II. Rejection of Claims 3, 7, 14, 15, 18, 23 and 24-25 Under 35 U.S.C. §103(a)

Claims 3, 7, 14, 15, 18, 23 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Igarashi *et al.* in view of Baar *et al.* (U.S. Patent No. 6,768,497). Withdrawal of this rejection is requested for at least the following reasons. The cited references, either alone or in combination, do not disclose or suggest all features recited in the subject claims as amended. "To reject claims in an application under §103 . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." *See* MPEP §706.02(j); *see In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 3, 7, 14, 15, 18, 23, and 24 each depend from one of independent claims 1, 11, and 20, which have been amended as described in Section I *supra*. Further, as noted in Section I, Igarashi *et al.* does not teach or suggest all limitations of the subject claims. Further, Baar *et al.* does not overcome the deficiencies of Igarashi *et al.* with regard to said claims. More particularly, Baar *et al.* relates to techniques for displaying content on a computer screen, wherein a region of interest can be selected from the content and displayed at a higher level of detail and/or magnification as compared to the remainder of the content. (*See* abstract; col. 2, ll. 24-34; col. 8, ll. 17-19). However, Baar *et al.*, like Igarashi *et al.*, is silent as to a speed-sensing lens that adjusts magnification of content underlying the lens based on the speed of a pointing device corresponding to the lens without substantially affecting the magnification of other content surrounding the lens.

Thus, the cited references do not disclose or suggest all features recited in independent claims 1, 11, and 20, and their corresponding dependent claims. Likewise, because independent claim 25 has been amended in a similar manner to independent claims 1, 11, and 20, Igarashi *et al.* and Baar *et al.*, either alone or in combination, do not teach or suggest all limitations of independent claim 25 for the reasons stated above.

Further, Applicants' representative submits that both Igarashi *et al.* and the subject application were commonly owned at the time the invention described in the subject application was made. As a result, Igarashi *et al.* is disqualified as prior art against the subject application for purposes of obviousness under 35 U.S.C. § 103(c).

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of [Title 35 of the United States Code], shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. §103(c)(1); *see* MPEP 702.06(I)(1) and MPEP 706.02(I)(2).

As noted by the Examiner at page 3 of the Office Action, Igarashi *et al.* and the subject application share a common assignee. Further, at the time the invention described in the subject application was made, it was subject to an obligation of assignment to the common assignee. Thus, because Igarashi *et al.* qualifies as prior art against the subject application only under 35 U.S.C. §102(e), it cannot serve as the basis of an obviousness rejection under 35 U.S.C. §103 as against the subject application. Accordingly, Applicants' representative respectfully requests that this rejection be withdrawn.

III. Rejection of Claim 19 Under 35 U.S.C. §103(a)

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Igarashi *et al.* in view of Davies (U.S. Patent No. 6,262,741). Withdrawal of this rejection is respectfully requested in view of the amendments and comments directed to independent claim 11 above, from which this claim depends.

IV. Rejection of Claims 8 and 17 Under 35 U.S.C. §103(a)

Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Igarashi *et al.* in view of Baar *et al.* and further in view of Rodriguez *et al.* (U.S. Patent No. 6,704,034). Withdrawal of this rejection is respectfully requested in view of the amendments and comments directed to claims 1 and 11 above, from which these claims depend.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP593US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROC & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROC & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731